



DETROIT BOARD OF POLICE COMMISSIONERS

Minutes of the Board of Police Commissioners Meeting Thursday, October 16, 2008

The meeting of the Detroit Board of Police Commissioners was held on Thursday, October 16, 2008, 3:00 p.m. at Police Headquarters, 1300 Beaubien Street, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Jim Holley
Ronald L. Griffin **(ABS)**
Mohamed Okdie **(ABS)**
Erminia Ramirez
Willie Hampton

Department Personnel Present

Chief James R. Barren
AC Ronald Fleming
DC Claudia Barden-Jackson
Dir. Deborah Robinson
Cmdr. Benjamin Lee
Cmdr. Eric Ewing
Cmdr. Herbert Moreland
Cmdr. Brian Stair
Cmdr. Gail Wilson-Turner
Insp. Catherine Tuttle
Lt. Gary Spoka
Lt. Marlon Wilson
Lt. Robbin Bradford
Lt. Donna Jarvis
Lt. Cynthia Williams
Sgt. Rodney Cox
Sgt. Melanie Long-Thomason
Sgt. Leroy Stafford
Sgt. Ulysha Hall
Sgt. Jerry Shoate
Sgt. Dwight Snodgrass
Sgt. Hilton Kincaid
Sgt. Dale Seaton
Sgt. Romel Alexander
PO Sophia Nelms

PO Felicia Jewell

Board Staff Present

Dante' L. Goss, Executive Director
Celia Banks-Washington, Attorney/Supervising Inv.
Arnold Sheard, Chief Investigator
Lawana Ducker, Personnel Director
Lt. Daniel Allen
PO Kent Cooper

OTHERS PRESENT

Ron Scott	Bernice Smith
Eddie Ivy	Sharon Richardson
Domenico Foglia	Lawanda Hail-Ruffin
Joann Cooper-Reid	

RECORDERS

PO Terence Bell
Robert Brown

1. CALL TO ORDER

Chairperson Holley called the meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

2. APPROVAL OF AGENDA

- **Thursday, October 16, 2008**

MOTION: **Comm. Hampton** made the motion to approve the Agenda.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. APPROVAL OF MINUTES

- **Thursday, October 9, 2008**

MOTION: **Comm. Hampton** made the motion to approve the Minutes.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. BOPC OFFICER'S REPORT

1. **CHAIRPERSON**

PROMOTION: Consideration for Executive appointment to the rank of Commander

Inspector Catherine Tuttle

AC Fleming stated Insp. Tuttle is a great officer and an asset to the police department.

Comm. Ramirez asked Insp. Tuttle what she will bring to the department as a Commander.

Insp. Tuttle stated she has over 23 years on the force, a wide range of experience, leadership, and motivation.

Chairperson Holley asked Insp. Tuttle who she would report to.

Insp. Tuttle stated Cmdr. Wells and Cmdr. Moreland at the Western District.

MOTION: **Comm. Hampton** made the motion to approve the Executive Appointment.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Ramirez stated there were four Inspectors, and now there are three.

Dir. Ducker stated that's correct.

2. SECRETARY'S REPORT

Exec Dir Goss stated there are two Suspensions Without Pay and one will be held in a closed door session. The Suspension Without Pay of Police Officer Matthew Hernandez will not be read, but will be placed into the record for oral arguments next week.

SUSPENSION WITHOUT PAY OF POLICE OFFICER MATTHEW HERNANDEZ, BADGE 1346, ASSIGNED TO THE SOUTHWESTERN DISTRICT

On September 24, 2008, at approximately 10:00 A.M., Police Officer Nicholas Hurd, badge 1058, assigned to the Southwestern District was working Southwestern 33, a one-man undercover unit. Officer Hurd was patrolling a known high drug trafficking area on Cadet and Crawford. He observed a black Chevy truck with chrome rims belonging to his partner, Police Officer Matthew Hernandez, badge 1346, assigned to the Southwestern District parked at the curb. Officer Hurd then observed Officer Hernandez engage in a narcotic hand to hand transaction with an unknown black male. Officer Hurd followed Officer Hernandez to his residence, and pulled into the driveway behind Officer Hernandez. Officer Hurd confronted Officer Hernandez about his narcotic transaction. Officer Hurd observed a powdery substance underneath Officer Hernandez's nose and stated to him, "Give it to me." Officer Hernandez reached into his pocket and pulled out a baggie containing two paper packets of suspected heroin.

Officer Hurd notified his immediate supervisor, Sergeant Renee Hall, badge S-582, assigned to the Southwestern District, who then notified Internal Affairs. Officer Hernandez was conveyed by Internal Affairs to Concentra Medical Center for a just cause drug screening.

Officer Hernandez was then conveyed to the Internal Affairs office, where Sergeant Hall suspended him from the Detroit Police Department. Officer Hernandez was then conveyed to the Northeastern District for processing.

On this same date, at approximately 2:00 P.M., Internal Affairs obtained Search Warrant #08002912, for a blood draw from Officer Hernandez.

Sergeant Hall and Sergeant Mike Thomas, badge S-1208, assigned to the Northeastern District conveyed Officer Hernandez to Detroit Receiving Hospital (DRH), where a licensed nurse executed the search warrant.

On this same date at approximately 5:00 P.M., Officer Hurd placed the suspected narcotics on evidence tag #E28459804, and conveyed the evidence to Narcotics Enforcement. Sergeant Ronald Murphy, badge S-1019, assigned to Narcotics Enforcement conducted a preliminary analysis of the narcotics and the results were positive for heroin with a weight of 0.3 grams. Sergeant Murphy placed the evidence in Lock Seal Folder #N00713708.

On this same date, at approximately 6:20 P.M., Sergeants Hill and Thomas conveyed Officer Hernandez to the Crisis Center at Sinai Grace Hospital for a psychological evaluation.

On September 25, 2008, Internal Affairs retrieved the blood sample results from DRH. The analysis revealed that Officer Hernandez had tested positive for opiates, and cocaine metabolites.

Based upon the above facts, it is recommended that Officer Hernandez be charged with, but limited to, the following violation of the Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER, CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS; THIS BEING IN VIOLATION OF THE 2003 DETROIT POLICE DEPARTMENT MANUAL SERIES 100, DIRECTIVE 102.3 – 7.9, CONDUCT UNPROFESSIONAL, COMMAND 1.

Due to the seriousness of the conduct, the Chief is requesting your concurrence with the suspension of Officer Hernandez without pay, effective October 16, 2008.

CITIZEN COMPLAINTS RECEIVED



- The Office of the Chief Investigator has a total of **1,293** active investigations, of which **1,071** of those are for 2008.

TOTAL WEEKLY ALLEGATIONS & COMMAND

Total	COMMAND	ALLEGATIONS									Total
CCR	W/E 10/16/08	Arrest	Demeanor	Force	Harassment	Entry	Procedure	Property	Search	Service	Allegations
7	COMMUNICATIONS		5							2	7
1	COURT LIAISON		1								1
5	EASTERN		3				3			1	7
4	NORTHEASTERN		2	1			3			1	7
3	NORTHWESTERN		2	1				1		1	5
1	SOUTHWESTERN		1								1
12	Unknown Command		5	3			8			1	17
3	WESTERN	1	2	1			1	1			6
36		1	21	6			15	2		6	51

5. PRESENTATION/REPORT-CHIEF OF POLICE

October 16, 2008

Volume 4, Issue 41

Detroit Police Department

Report to the Board of Police Commissioners



Special Points of Interest:

• Next meeting:

Thursday, October 23, 2008

@ 3:00 P.M.

**Detroit Police Headquarters
1300 Beaubien
Detroit, Michigan 48226**

“Building a Safer Detroit Through Community Partnerships”

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take the guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

Domestic Violence

On October 7th, officers of the Northeastern District responded to the 7000 block of E. Congress on a “Person with a Weapon/Child Endangerment” and arrested a subject. Subsequent to the investigation conducted by members of Domestic Violence, the subject was charged with “Felonious Assault,” “Aggravated Domestic Violence,” and “Child Abuse 4th.”

Inside this issue:

Narcotics/Gang Enforcement 1

Domestic Violence 1

Northwestern District 2

Southwestern District 2

Central District 2

Northeastern District 2

Western District 2

Engaging the Community

ATTENTION

Citizens wishing to make a police report may do so at the District stations in the city of Detroit. Citizens may also utilize the following District Sub-Stations to make reports.

		<u>Location</u>	<u>Hours of Operation</u>	<u>Telephone</u>
		1300 Beaubien	24 Hours	596-5100
		2151 E. Jefferson	24 Hours	596-6400
		7737 Kercheval	2 p.m. to 10 p.m.	628-2121
		19810 Grand River	10 a.m. to 3 p.m.	935-5322
		13530 Lesure	8 a.m. to 11 p.m.	596-5300
		12000 Livernois	24 Hours	237-2555
		20 Atwater	24 Hours	237-2850
		13206 E. Jefferson	2 p.m. to 10 p.m.	
		22101 Moross (St. John Hospital)	2 p.m. to 10 p.m.	343-7506

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Police / Community Intervention

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Northwestern District

On October 7th, while on patrol in the area of Schaefer and Fenkell, officers of the Northwestern District investigated a vehicle for a traffic violation. As a result of their investigation, a handgun was recovered and a subject was arrested and charged with "Carrying a Concealed Weapon," "Felon in Possession," and "Habitual 3rd."



Southwestern District

On October 7th, officers of the Southwestern District responded to the 9000 block of Cheyenne on a "Robbery Armed." Subsequent to their investigation, the officers observed the wanted subject in the area of Joy and Manor. The subject was arrested and charged with two counts of "Robbery Armed."



Northeastern District

On October 11th, officers of the Northeastern District responded to the area of Chrysler Service Drive and Mack on a "Carjacking Just Happened." As a result of their investigation, a subject was arrested and charged with "Robbery Armed," "Attempted Carjacking," and "Felony Firearms." Property that was taken in the Robbery was recovered.



Western District

On October 7th, officers of the Western District responded to the 18000 block of Meyers on a "Carjacking." Subsequent to their investigation, a subject was arrested and charged with "Carjacking," "Robbery Armed," and "Felony Firearm." A weapon was recovered.

Chairperson Holley stated he wanted to know the status of the department such as how many officers are on the disabled list, in Iraq and when they will be returning to active duty.

AC Fleming stated he can have that information tomorrow.

Chairperson Holley stated he doesn't like seeing things on television about the department being sued by its members. He asked about the policy regarding pregnant officers.

Comm. Ramirez asked if there is someone who can respond to the lawsuit.

AC Fleming stated he can have that person at the next meeting.

Comm. Hampton stated to the Chair that he would like a brief presentation of the status of personnel issues for the department.

Chairperson Holley stated to make sure they explain the effect this has on the department and the crime in our community.

AC Fleming stated yes sir.

Chairperson Holley stated he just wants to have the correct information when speaking to the community. He would like to know the policy regarding pregnant officers.

Cmdr. Wilson-Turner stated she will get him the policy because it is part of litigation.

Chairperson Holley stated that is fine but he would like to have a face to face talk on the issue.

6. STANDING COMMITTEE REPORTS

Comm. Ramirez stated she will be conducting interviews on the two candidates for Investigators tomorrow followed by a recommendation.

Atty. Washington stated there were two rejected applicants for review in open session and one for closed session.

Comm. Ramirez asked the Chair if the Board can do the grants first and then the rejected applicants.

Chairperson Holley stated yes.

7. NEW BUSINESS

1. **GRANT: REQUEST PERMISSION TO ACCEPT AN INCREASE IN THE VICTIM OF CRIME ASSISTANCE (V.O.C.A.)**

The State of Michigan, Department of Community Health Crime Victim Services Commission, has awarded the Detroit Police Department a grant entitled "Victim of Crime Assistance" (V.O.C.A.), in the amount of **\$972,646.00, with a 20% in-kind cash match**. The V.O.C.A. grant was budgeted for **\$950,000.00** for the 2008-2009 Fiscal Year (Appropriation # 12535 - Cost Center 372540). The Department was awarded an additional **\$22,646.00**, which will allow the Rape/Homicide Counseling Center to enhance and expand local services to victims of rape and homicide crimes. If approved Ms. Joann M. Cooper- Reid, Interim Head Social Worker of the Rape/Homicide Counseling Center, will be the grant's project director.

The Chief is requesting the Board's permission to accept this award increase and will seek approval of the attached resolution from the Detroit City Council.

MOTION: Comm. Hampton made the motion to approve the Grant.

SECOND: Comm. Ramirez seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Holley asked if anyone was present to speak on in-kind service.

J. Cooper-Reid stated the other 80% comes from the State of Michigan Crime Victims Service Commission and they are responsible for 20%, a non cash match.

2. **GRANT: REQUEST PERMISSION TO ACCEPT THE FY 2008 CONGRESSIONALLY MANDATED AWARD**

The United States Department of Justice (DOJ), Office of Justice Programs, has awarded the Detroit Police Department (DPD) a FY 2008 Congressionally Mandated Award in the amount of **\$357,739.00, with no cash match**. This funding is designated for a Drug Violence/Enhanced Enforcement Project. The project's mission will be to effectively reduce fatal and non fatal shootings in hot spot areas and monitor criminal drug activity by increasing deployment of narcotic units in the high crime areas, the forfeiture of building structures and vehicles involved in narcotic trafficking, and firearm confiscations through overtime enforcement/blitzes.

If approval is granted to accept this funding, Commander Lewis Bray, of Organized Crime, would serve as the project director. The appropriation number for this grant is 12760.

Upon your approval, the Detroit City Council will be requested to adopt a resolution supporting this award.

MOTION: Comm. Hampton made the motion to approve the Grant.

SECOND: Comm. Ramirez seconded the motion.

VOTE: All in attendance voted in the affirmative.

**3. GRANT: REQUEST TO ACCEPT AN AWARD FOR A FY 2008
CONGRESSIONALLY MANDATED AWARD FROM THE
DEPARTMENT OF JUSTICE (DOJ)**

In 2007, the Detroit Police Department (DPD) submitted a proposal to the United States Department of Justice (USDOJ) to receive a federal appropriation to establish a Missing Persons Unit. The proposal addressed current methodologies used by the Detroit Police Department with its investigation of missing persons.

On September 11, 2008, the USDOJ awarded the DPD **\$402,457.00, with no cash match**. This is a three year grant, with the expiration date set for August 31, 2011. During the grant period, the DPD will continue to look for funding for the program and seek to establish it as a continuation grant. The appropriation number for this grant is 12858.

The majority of the funding would pay salaries/overtime for individuals assigned to the Missing Persons Unit. Additionally, funds will be allocated for necessary equipment. In addition to improving the records function, the mission of the newly created Missing Persons Unit would be to actively investigate missing cases involving juveniles, vulnerable adults, and mentally or physically challenged person who reside in the City of Detroit. In the event that approval is granted to accept this award Sergeant Jerry Shoate of Records would serve as the project director.

The Chief is requesting the Board's permission to accept this award and will seek approval of the attached resolution from the Detroit City Council.

MOTION: Comm. Hampton made the motion to approve the Grant.

SECOND: Comm. Ramirez seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Ramirez stated the manpower will be one Sergeant and three Officers.

Sgt. Shoate stated that's correct. It will allow for oversight and to help out the IOU (Investigative Operations Unit).

Comm. Ramirez asked which district.

Sgt. Shoate stated all districts; it's a city wide effort.

Chairperson Holley asked if the four hundred thousand plus dollars was for each year.

Sgt. Shoate stated it is for a period of three years.

Comm. Ramirez asked are you associated with the National Crime Association Unit.

Sgt. Shoate stated yes, along with the Center for Missing Exploited Children.

4. GRANT: REQUEST PERMISSION TO ACCEPT THE FY 2008 CONGRESSIONALLY MANDATED AWARD

The Department of Justice (DOJ), Office on Violence against Women, has awarded the Detroit Police Department (DPD) an increase for the Encourage to Arrest grant for Fiscal Year 2008-2009. The grant is currently in the Budget for \$800,000.00 (Appropriation # 12542 - Cost Center 372138). Fortunately, the Department was awarded an additional \$310,000.00, making the total award \$1,110,000.00, with no cash match.

This award provides the opportunity for recipients to develop and strengthen effective response to violence against women. The program encourages communities to treat domestic violence, sexual assault, dating violence and stalking as serious crimes by strengthening the criminal justice response to these crimes and promoting a coordinated community response. Victim safety and offender accountability are the center piece of all arrest projects.

Sergeant Deanna Wilson, of Domestic Violence, will continue to serve as the Project Director.

Upon your approval, the Detroit City Council will be requested to adopt a resolution supporting this award.

Comm. Ramirez stated she supports this but wanted to know if there will be training for the judges.

Sgt. Seaton stated yes ma'am there is a stipulation in the grant to train judges, prosecutors, and probation officers.

Comm. Ramirez stated yes, they all need to be trained.

Sgt. Seaton stated the whole purpose is to have a comprehensive approach to this.

Comm. Ramirez asked who does the PPO's (Personal Protection Orders).

Sgt. Seaton stated "Looking for My Sisters" provides the victim advocates.

Comm. Ramirez asked are their victim advocates in every district.

Sgt. Seaton stated no. One is assigned to Northeastern and Southwest, one at Western, and one at the Domestic Violence Unit.

MOTION: **Comm. Hampton** made the motion to approve the Grant.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

8. OLD BUSINESS

There was no old business.

Chairperson Holley asked AC Fleming what was the status of the Crime Lab and the employees.

AC Fleming stated the Crime Lab is currently acting as a holding unit. All evidence is documented and sent to the State Police.

Chairperson Holley stated the State Police is the overseer at this time.

AC Fleming stated yes.

Chairperson Holley stated he is concerned about the citizens of this city.

AC Fleming stated they had a meeting with the State to develop a system to make the process faster to document the evidence as they receive it.

Chairperson Holley stated he wanted the citizens to know that the department and this body have control of the situation.

AC Fleming stated all the appropriate parties were at the meeting.

Chairperson Holley stated it is important to let the community know that all parties are working together.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, October 23, 2008
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

10. ORAL COMMUNICATION FROM THE AUDIENCE

B. Smith stated she is very happy that the four mini stations that have recently opened in the community.

STANDING COMMITTEE REPORTS CONTINUE

Comm. Ramirez stated for Mr. Ivy to come to the microphone and share his thoughts.

E. Ivy stated why he wanted to become a police officer and he doesn't agree with the decision to reject him.

Chairperson Holley asked Mr. Ivy if he knew the reason why he was rejected.

E. Ivy stated he was eliminated during the psychological interview.

Dir. Ducker stated the standards to become a law enforcement officer in the State of Michigan are governed by MCOLES. Each person must pass a medical and a psychological examination. The licensed Psychologist recommended that he re-apply in five years. Based on psychological reasons, he could not move forward in the hiring process.

Chairperson Holley asked Dir. Ducker if there was more information concerning Mr. Ivy.

Dir. Ducker stated yes, but she would not want to mention it in an open session.

Chairperson Holley stated he would like more information before he casts a vote.

Comm. Ramirez stated Mr. Ivy chose not to have a closed session and asked was it explained to him and did he understand.

E. Ivy stated yes, ma'am.

Chairperson Holley asked Mr. Ivy if he would allow this body to go into closed session to hear more information.

Comm. Ramirez stated it is okay as long as he goes on record asking for a closed session.

E. Ivy stated "I Eddie Ivy would like to have a closed session."

Comm. Ramirez stated the next applicant is Ms. Richardson who also wants an open session and not a closed session.

S. Richardson stated why she wanted to become a police officer and she doesn't agree with the rejection decision.

Dir. Ducker stated Ms. Richardson was disqualified during the Oral Board. When a background investigation is done they look at education, background history, arrest record, traffic record, employment, and financial status. A recommendation is then made to move the applicant forward to the Oral Board phase. There was a section of the Oral Board that she wasn't successful in.

Chairperson Holley asked is it a sensitive matter.

Dir. Ducker stated yes.

Chairperson Holley asked Ms. Richardson to allow this Body to go into closed session to hear more information.

S. Richardson stated "I Sharon Richardson would like to have a closed session.

Chairperson Holley asked the Board if they will concur.

Comm. Ramirez stated through the Chair that she moved that the Board of Police Commissioners enter into a closed session, pursuant to MCL 15. 268(a) of the Open Meetings Act, for rejected applicants, Eddie Ivy, Sharon Richardson, and Domenico Foglia.

MOTION: **Chairperson Ramirez** made the motion to enter into a closed session.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Ramirez stated through the Chair that she moved that the Board of Police Commissioners enter into a closed session, pursuant to MCL 15. 268(a) of the Open Meetings Act, for Sergeant Nicole Harris, Badge 1479, for personnel matters.

MOTION: **Chairperson Ramirez** made the motion to enter into a closed session.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Holley stated the motion having been approved by a majority of the Board members, a closed session will now be convened.

They went into closed session at 4:15pm

They returned from closed session at 5:35pm

MOTION: **Comm. Hampton** made the motion to return from closed session.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Holley recognized Cmdr. Wilson-Turner sitting in for AC Fleming.

Exec Dir. Goss stated the Board is reconvening from a closed session regarding a suspension without pay recommendation of Sergeant Nicole Harris, Badge 1479, assigned to Northwestern District.

He stated unless **contravened** by this Commission, the above suspension without pay will stand.

Comm. Ramirez contravened.

Comm. Hampton contravened.

Exec Dir. Goss stated based on the contraventions, Sgt. Nicole Harris will not be suspended without pay.

Comm. Ramirez stated the Board is denying Mr. Ivy's appeal, but he can proceed with his appeal process through MCOLES.

MOTION: **Comm. Ramirez** made the motion to deny the appeal.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Ramirez stated the Board is denying Mr. Foglia's appeal, but he can proceed with his appeal process through MCOLES.

MOTION: **Comm. Hampton** made the motion to deny the appeal.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Ramirez stated the Board is granting Ms. Richardson's appeal, allowing her to retake her Oral Board examination. .

MOTION: **Comm. Ramirez** made the motion to grant her appeal, and directs the police department to allow her to retake her Oral Board exam.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Note: The recommendation of Mohamed Okdie, Personnel Subcommittee, is attached and incorporated by reference.

11. ADJOURNMENT

The meeting was adjourned at 4:35 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/rb